

Amendments to the Drawings

The two attached sheets of replacement drawings include changes to FIGS. 1 and 5B. The other drawings on these sheets (i.e., FIGS. 2, 3, 4, 5, 6, and 5A) remain unchanged from their previous versions. The attached two sheets replace the original sheets containing FIGS. 1-5, 5A-5B, and 6.

In the two attached replacement sheets, the previously omitted element numbers **20** and **22** have been added to FIG. 1, and the previously omitted element number **24** has been added to FIG. 5B.

Attachment: Two (2) Replacement Sheets

JUN 30 2008

REMARKS

The amendments to the specification were made to correct typographical errors and/or to provide verbatim description of subject matter recited in original claims 9 and 13.

The amendments to claims 6 and 18 were made solely to correct typographical errors.

The amendments to FIGS. 1 and 5A are fully supported by the description in the specification (e.g., paragraph [0037]; etc.).

No new matter has been added. Upon entry of this Response, claims 1, 3, 6-18, 20, 22-28, and 30-31 are present and active in the application (with claims 2, 4-5, 19, 21, 29, and 32-45 being presently withdrawn from consideration).

Substance of Interview

Applicant would like to thank Examiners Quynh-Nhu H. Vu and Todd E. Manahan for the very courteous and helpful discussion held with his representative on June 10, 2008. The substance of this interview is reflected in the remarks below.

By way of introduction, it was explained during the interview that the claimed invention provides delivery devices for delivering liquids and/or nutrients directly into the small intestine of a patient that do not rely on conventional weighted tips to help guide the tube to its destination. Rather, an expandable, digestible member connected to one end of the catheter—which initially is present in a collapsed state—swells upon contact with the gastric juices of the stomach. Once swollen, the expandable, digestible member may be engaged and transported by the natural peristaltic motion of the stomach through the pylorus and into the small intestine. Gradually, the expandable, digestible member is digested and decreases in size. When the expandable, digestible member is completely digested or at least sufficiently reduced in size, peristaltic transportation of the catheter through the body ceases and enteral feeding through the catheter can be initiated (see, for example, paragraphs [0023] and [0053] through [0056] of the specification).

Objection to Drawings

The objection to the drawings under 37 CFR § 1.84(p)(5) has been obviated by amendment. Accordingly, withdrawal of this ground of objection is respectfully requested.

Claim Objections

The objection to claim 9 has been obviated by amendment. As explained during the interview, the recitation of "meat" in claim 9 is intentional and correct. Paragraph [0037] of the specification has been rewritten to provide a description of the term "meat." Accordingly, withdrawal of this ground of objection is respectfully requested.

Claim Rejections – 35 U.S.C. § 112, First Paragraph

The rejection of claims 10-13 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement is in part respectfully traversed and in part obviated by amendment.

With regard to claims 10-12, paragraph [0037] of the specification as filed provides verbatim support for each of the recitations in these claims.

With regard to claim 13, paragraph [0037] has been rewritten to describe that in some embodiments, an external diameter of the expandable, digestible member in a swelled state does not exceed an external diameter of the catheter by more than thirty percent.

For at least these reasons, withdrawal of this ground of rejection is respectfully requested.

Claim Rejections – 35 U.S.C. § 102

The rejection of claims 1, 3, 6, 14-18, 22, 25-28, and 30 under 35 U.S.C. § 102(b) as being anticipated by *Potter* (U.S. Patent No. 4,781,704) is respectfully traversed. *Potter* fails to teach or suggest each and every element of independent claims 1 and 30.

Each of independent claims 1 and 30 recites "an expandable, digestible member" (emphasis added)—an element that is neither taught nor suggested by *Potter*.

As explained during the interview, *Potter* describes a conventional feeding tube assembly that relies on the use of tungsten weighted tips (e.g., abstract; col. 2, lines 63-

65; col. 3, lines 1-5; col. 5, lines 46-53). The flexible bolus **13** that was equated in the Office Action (page 4) with the "expandible, digestible member" recited in each of independent claims 1 and 30 is not digestible. On the contrary, bolus **13** is made of a thermoplastic material (col. 3, lines 6-8; col. 5, lines 12-14), which clearly would not qualify as "digestible" in the sense required by the claimed invention.

Inasmuch as *Potter* fails to teach or suggest each and every element of independent claims 1 and 30, Applicant respectfully submits that the claimed invention is neither anticipated by nor would have been obvious in view of *Potter*. Accordingly, withdrawal of this ground of rejection is respectfully requested.

Claim Rejections – 35 U.S.C. § 103

The rejection of claims 7, 23, and 31 under 35 U.S.C. § 103(a) as being unpatentable over *Potter* in view of *Bacher et al.* (U.S. Patent No. 5,599,307), the rejection of claims 7-9, 10-13, 20, and 22 under 35 U.S.C. § 103(a) as being unpatentable over *Potter*, the rejection of claims 23 and 31 under 35 U.S.C. § 103(a) as being unpatentable over *Potter* in view of *Maniar et al.* (U.S. Patent No. 5,846,525), and the rejection of claim 24 under 35 U.S.C. § 103(a) as being unpatentable over *Potter* in view of *Maniar et al.* and *Barr* (U.S. Patent No. 6,514,487 B1) is respectfully traversed.

Claims 7-13, 20, and 22-24 depend directly or indirectly from independent claim 1. Claim 31 depends directly from independent claim 30. However, as noted above, *Potter* fails to teach or suggest all of the elements of independent claims 1 and 30. Moreover, the deficiencies of *Potter* are not remedied by *Bacher et al.*, *Maniar et al.*, and/or *Barr*—none of which teaches or suggests "an expandible, digestible member" as required by each of independent claims 1 and 30 (emphasis added).

For at least these reasons, Applicant respectfully submits that the claimed invention is neither anticipated by nor would have been obvious in view of *Potter*, *Bacher et al.*, *Maniar et al.*, and *Barr*, individually or in combination. Accordingly, withdrawal of all grounds of rejection is respectfully requested.

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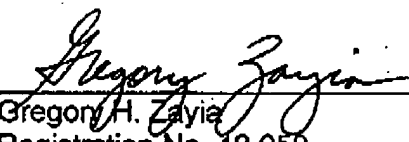
JUN 30 2008

Conclusion

In view of the Amendment and Remarks set forth above, Applicant respectfully submits that the claimed invention is in condition for allowance. Early notification to such effect is earnestly solicited.

If for any reason the Examiner feels that the above Amendment and Remarks do not put the claims in condition to be allowed, and that a further discussion would be helpful to advance prosecution, it is respectfully requested that the Examiner contact the undersigned agent directly at (312)-321-4257.

Respectfully submitted,



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